



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, SECOND SESSION

Vol. 144

WASHINGTON, TUESDAY, JULY 21, 1998

No. 98

Senate

The Senate met at 9 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, our morning prayer is like being amazed by deposits in our checking account from unexpected sources. We are astounded by Your goodness. You know what we will need for today and You deposit the required amounts of insight, discernment, and vision in our minds. You fill the wells of our hearts to overflowing with the added courage and determination that are necessary for the demands of today. Even now, we feel fresh strength as Your Spirit energizes our bodies. We should not be surprised. You have promised that, "As your days, so shall your strength be."—Deuteronomy 33:25.

Bless the women and men of this Senate and all who work with and for them that this will be a day in which we draw on Your limitless resources for dynamic leadership. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

Mr. BOND. Good morning, Mr. President.

SCHEDULE

Mr. BOND. Mr. President, this morning, there will be a period for the transaction of morning business until 10 a.m. Following morning business, the Senate will vote on the motion to invoke cloture on the legislative branch appropriations bill. After disposition of the legislative branch bill, the Senate will resume consideration of the Commerce-Justice-State appropriations

bill. The majority leader has indicated that he is hopeful that Members will come to the floor during today's session to offer and debate amendments as the Senate attempts to make good progress on the Commerce-Justice-State bill. The Senate may also consider any other legislative or executive items that may be cleared for action.

ORDER FOR RECESS

Mr. BOND. Mr. President, I ask unanimous consent that the Senate stand in recess from 12:30 p.m. until 2:15 p.m. to allow the weekly party caucuses to meet.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BOND. Seeing no other Members wishing to speak, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BOND). Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now be in a period of morning business.

Mr. REED. Mr. President, I ask unanimous consent to speak in morning business for 5 minutes of the time allocated to Senator DORGAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Thank you, Mr. President.

NOMINATION OF JAMES HORMEL

Mr. REED. Mr. President, I rise this morning to speak briefly on the nomi-

nation of Mr. James Hormel to be the United States Ambassador to Luxembourg.

Mr. Hormel has a distinguished record as a businessperson, as a lawyer, as a former dean of the University of Chicago Law School, and as a philanthropist. His family owns one of the largest agriculture companies in our country.

He has, throughout his distinguished career, been a contributor and supporter of many worthy organizations. His philanthropy is well known throughout the United States. He has contributed significantly to the Catholic Youth Organization, to the United Negro College Fund, Swarthmore College, Breast Cancer Action, and to many, many other associations. He has also served as the alternate representative to the United Nations General Assembly on behalf of our country, the United States of America.

Mr. Hormel's nomination was favorably reported out by the Committee on Foreign Relations and is widely supported here in the U.S. Senate.

Indeed, hundreds of distinguished Americans have favorably commented on his nomination, and they have stated that Mr. Hormel has the ability and skills to successfully represent the United States in Luxembourg.

Now, there are many who are watching this proceeding who would ask, given all these qualifications, why would Mr. Hormel be denied a vote on his nomination to be Ambassador to Luxembourg? The simple answer comes down to the fact of Mr. Hormel's sexual orientation.

There are many—the vast majority of Americans and the vast majority of Senators—who feel that this is irrelevant to the duties that he will perform as Ambassador to Luxembourg, and we should look not to his sexual orientation, but to his record of achievement and to his ability and to his responsibilities throughout his career in

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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terms of advancing not his personal agenda, but in fact serving well both the institutions he represented, such as the University of Chicago, and many, many philanthropic activities which he has been involved in.

But there are some in this Chamber who I fear would rather not have an Ambassador, but would rather have a political issue. My preference is to have an Ambassador serving the United States with distinction in Luxembourg. And I believe Mr. Hormel will do that.

Mr. President, the Providence Journal newspaper in my home State of Rhode Island put it best when they headlined the editorial by simply saying "Vote on Hormel."

Mr. Hormel does not want this ambassadorship as a pulpit to advance any agenda. What he wants to do is represent our country with distinction and great diligence. I believe he will do that.

In his own words, in a letter to Senator GORDON SMITH, our colleague, he said:

I will not use, nor do I think it appropriate to use, the office of ambassador to advocate any personal views I may hold on any issue. . . . I assure you that my public positions will be those of the U.S. Government.

I believe that however one feels about Mr. Hormel's qualifications, this institution deserves to give him a vote, to give him an opportunity to have his case decided openly here on the floor of this Chamber, allowing individual Senators to make whatever point they may choose to make about his qualifications, about his potential to serve. But to deny him his vote, I think, is to deny not only one individual but this country the opportunity to make a decision about his qualifications to serve.

I hope that we can quickly bring his nomination to the floor for a vote and then let the will of the majority prevail. I believe it is wrong and unfortunate that we retain this nomination and not allow it to come to the floor for the vote. I hope in the days ahead we will vote on Mr. Hormel and we will vote favorably.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask unanimous consent to be permitted to yield myself 10 minutes of the time of Senator DORGAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

PATIENTS' BILL OF RIGHTS

Mr. KERRY. Mr. President, countless Americans have come to understand that the health care system in this country is in a total state of disarray, if not crisis. It is a crisis of confidence. It is a crisis of coverage, bought and paid for with hard-earned dollars from our fellow taxpayers, but a coverage that seems to disappear when you need it the most.

Our fellow citizens no longer believe that their insurance companies are pre-

pared to provide them with the quality of service or the choice of doctors that they were promised or that they paid for with their premiums. Some health insurers have put saving costs way ahead of the prospect of saving lives.

I think most people in the Senate have come to understand the nature of this crisis. The impact of the decisions of the insurance companies in countless stories across America and across my State of Massachusetts is immeasurable. Americans are suffering because the system puts the choices of the insurance company administrator far ahead of the choice of a doctor.

The story of Ellen O'Malley, a mother of two, from Canton, MA, underscores the full measure of the problem that we face today. Ellen passed away in the summer of 1994, a victim of breast cancer at the age of 38. Her husband, Steve, a schoolteacher in Canton, and her two daughters, could tell anybody in the Senate about the trouble that people face today as a result of the way in which choices are made for the delivery of health care. They could also tell you about the struggle of what it is like to live without a mother and wife. I think all of us understand that happens and that there are sometimes unavoidable consequences of some diseases. But clearly there are totally avoidable consequences of what kind of care is delivered to somebody in the course of an illness.

The O'Malley family's story is even more tragic than the loss of Ellen because they would tell every Senator about the new language that they learned, the experience that they went through, as a consequence of her illness—a vocabulary of the HMOs. Ellen O'Malley should not have had to spend her last year of life jumping through bureaucratic hoops just to get treatment for breast cancer. She shouldn't have had to be shuttled around the city of Boston from one hospital to another hospital, from one doctor to another doctor, because an HMO refused to take the word of her own family doctor or her oncologist. Ellen O'Malley was very, very brave in facing the struggle with a killer disease. She should not have been asked to be brave in facing a different struggle with the bureaucracy.

The simple fact is that health insurers should not make the decisions that are fundamentally the decision of a doctor or a trained health care professional. The truth is that in times of family crisis, people should not have to worry about whether or not a bureaucrat is going to allow them to be able to see a doctor in whom they have placed trust. That is precisely the kind of turmoil that Ellen O'Malley suffered every single day of her illness.

Steve O'Malley remembers his wife hearing the promises from their HMO when they were signing up, promising that she would undergo care with her doctor, Dr. Erban, who had treated her for the past 10 years, and the promise that she would be able to continue to

be treated at the New England Medical Center.

But the O'Malleys found that when push came to shove, when it came time for the promise to be delivered on, the promise disappeared. Steve O'Malley knows full well about an HMO that sent Ellen all over the city, to one hospital for a mammogram, to another hospital for a biopsy, and to still another hospital for treatment. Steve O'Malley remembers hours spent painstakingly writing lengthy appeal letters to the HMO, begging them to reconsider their decisions. He also remembers what it felt like to receive a 5-line form letter rejecting his wife's appeal.

Steve would tell you that the personal and painful decisions for his family were merely business decisions for the HMO, and that is unacceptable. It is unacceptable for the O'Malleys, as Steve remembers his late wife saying, "HMOs are great unless you're sick. They're fine if you have a cold, get the flu, break your arm, or stub your toe, but they are not fine if you're dying."

Steve and Ellen O'Malley and their two daughter suffered an enormous personal tragedy when breast cancer dashed their hopes and dreams for the future. I believe they should have been able, as a family, to endure that tragedy secure in the knowledge that Ellen could make her medical decisions side by side with the doctor she trusted—not a bureaucrat who never went to medical school and, more importantly, never knew Ellen O'Malley.

I believe that no HMO should rob a family of peace of mind in times of crisis. HMOs should be more than organizations that are great unless you are sick. For every person who buys into an insurance program, there ought to be the confidence that the coverage that you buy is the coverage that you will get. That is why we have proposed the Patients' Bill of Rights. We recognize we have built a system that currently puts paperwork ahead of patients and ignores the real life-and-death decisions being made in our health care system. We have to do better.

All across Massachusetts, I hear from people who are angry at how hard it is to find the health care that they believe they have purchased. And they are frustrated with policies that say that our elderly can't go to the doctor of their choice. They are convinced their HMOs don't give them straight answers about their coverage, and working families across the country believe it is time to take decisions out of the hands of the insurance companies and put them back with patients and doctors where they belong.

The U.S. Senate should agree with them. I believe it is vital for us to take up and pass meaningful patient protections now, in this Congress. There are judges all across the country who have watched in their courts as patients and families, victimized by HMOs, come before them, to beg for restitution, for a fair shake in getting the health care